REMARKS

In the Office Action[1], the Examiner objected to the specification; objected to claims 47 and 55; rejected claims 43, 46, 48-50, 51, 54, and 56-58 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2005/0278771 to Hassell et al. ("*Hassell*"); rejected claims 44 and 52 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of U.S. Patent No. 6,807,367 to Durlach ("*Durlach*"); rejected claims 45 and 53 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of U.S. Patent Application Publication No. 2003/0088872 to Maissel et al. ("*Maissel*"); and rejected claims 47 and 55 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of U.S. Patent No. 6,323,911 to Schein et al. ("*Schein*"). By this amendment, Applicant amends claims 43-58.

The Examiner objected to the specification because the priority information in the specification indicated that parent application no. 09/854,775 was pending. (Office Action at p. 2). Applicant has amended the specification to reflect the status of application no. 09/854,775 as U.S. Patent No. 6,725,215, and respectfully requests the Examiner to withdraw the objection.

The Examiner objected to claims 47 and 55 because "[t]he claim does not state what the current time is being compared to" (Office Action at p. 2). Amended claim 47 recites "calculating a change value by comparing the current time with a scheduled time for the first content item or the second content item," and claim 55 has been amended in

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

a similar fashion. Applicant therefore respectfully requests the Examiner to withdraw the objection to claims 47 and 55.

Applicant respectfully traverses the rejection of claims 43, 46, 48-50, 51, 54, and 56-58 as allegedly anticipated by *Hassell*.

Independent claim 1 recites an apparatus comprising, among other things, storing means for storing a plurality of content items, input means, reproducing means for reproducing a first content item, and selection means that "selects the second content item or the position within the first content item based on a duration of the user input." *Hassell* fails to teach or suggest at least the claimed selection means.

Hassell discloses an "interactive television program guide system" that "gives users the ability to store information associated with recorded programs ... thereby providing easy access to program information" (*Hassell*, abstract). *Hassell* also discloses that "super-programs" can be created as "sequences of programs or program segments" using a "super-program key" (*Hassell*, ¶ 69). However, *Hassell* does not disclose that the next program in the sequence, or the next segment in the current program, can be selected based on the duration that a key is depressed. Therefore, *Hassell* does not teach or suggest the claimed selection means that "selects the second content item or the position within the first content item based on a duration of the user input," as recited by independent claim 1.

Hassell thus does not anticipate claim 1, and Applicant respectfully requests the allowance of claim 1. Although of different scope than claim 1, *Hassell* does not anticipate independent claim 51 for at least the same reasons as claim 1.

Claims 45 and 48-50 depend from claim 1, and claims 54 and 56-58 depend from claim 51. Because *Hassell* does not support the rejection of independent claims 1 and 51 under 35 U.S.C. § 102(e), *Hassell* also does not support the rejection of dependent claims 45, 48-50, 54, and 56-58.

Applicant respectfully traverses the rejection of claims 44 and 52 under 35 U.S.C. § 103(a). Claim 44 depends from claim 43, and claim 52 depends from claim 51. As already discussed, *Hassell* fails to teach or suggest the claimed selection means.

Durlach also does not teach or suggest a selection means that "selects the second content item or the position within the first content item based on a duration of the user input."

Durlach discloses a "movie storage, traversal, annotation, and viewing method" where "[t]emporal progression through a movie frame sequence ... is determined at view time through ... [d]irect manipulation of user-controlled physical actuators ... such as dials" (*Durlach*, abstract). *Durlach* continues, "[w]hen dial 32 is turned relatively slowly, movie 200 will advance slowly forwards or backwards ... [u]p to approximately the normal viewing speed, advance through movie 200 image frames will be approximately linear ... [a]bove approximately normal speed ... [the rate] becomes highly non-linear" (*Durlach*, col. 13, lines 1-18). However, *Durlach* does not disclose a selection means that selects either a position within a content item, or another content item, based on the duration of time a user works the dial. Therefore, *Durlach* fails to teach or suggest the claimed "selection means that "selects the second content item or the position within the

first content item based on a duration of the user input," as recited by independent claim 1.

Because the cited references fail to teach or suggest the subject matter of claims 44 and 52, no prima facie case of obviousness has been established with respect to these claims. Applicant therefore respectfully requests the Examiner to withdraw the rejection of these claims under 35 U.S.C. § 103(a).

Applicant respectfully traverses the rejection of claims 45 and 53 under 35 U.S.C. § 103(a). Claim 45 depends from claim 43, and claim 53 depends from claim 51. As already discussed, *Hassell* fails to teach or suggest the claimed selection means.

Maissel also does not teach or suggest a selection means that "selects the second content item or the position within the first content item based on a duration of the user input."

Maissel discloses, "[i]n a digital television recording method, programs are selected for recording based on analysis of program schedule information, user preferences, and the priority of previously recorded programs" (*Maissel*, abstract). *Maissel* also discloses a "NEXT" button that can be used to browse forward through the stored programs (*Maissel*, ¶ 368). However, *Maissel* does not disclose selecting either a position within the current program, or the next recorded program, based on the duration that the "NEXT" button is depressed. Therefore, *Maissel* does not teach or suggest the claimed "selection means that "selects the second content item or the position within the first content item based on a duration of the user input," as recited by independent claim 1.

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Because the cited references fail to teach or suggest the subject matter of claims 45 and 53, no prima facie case of obviousness has been established with respect to these claims. Applicant therefore respectfully requests the Examiner to withdraw the rejection of these claims under 35 U.S.C. § 103(a).

Applicant respectfully traverses the rejection of claims 47 and 55 under 35 U.S.C. § 103(a). Claim 47 depends from claim 43, and claim 55 depends from claim 51. As already discussed, *Hassell* fails to teach or suggest the claimed selection means.

Schein also does not teach or suggest a selection means that "selects the second content item or the position within the first content item based on a duration of the user input."

Schein discloses a "television schedule system and method" using an "input device [that] allows the viewer to browse through the schedule information area" (*Schein*, abstract). *Schein* also discloses a "local controller" with a "horizontal scroll mechanism for moving the cursor in an 'x' direction or horizontally across the display screen ... buttons 32, 34 can be configured so that continuous depression of one button 32, 34 moves the cursor horizontally through a plurality of items" (*Schein*, col. 5, lines 45-59). However, even assuming *Schein*'s "items" correspond to the claimed first and second content items, *Schein* does not disclose selecting a position in a first content item, or selecting a second content item, based on the duration that the user depresses the button 32 or 34. Therefore, *Schein* does not teach or suggest the claimed "selection means that "selects the second content item or the position within the first content item based on a duration of the user input," as recited by independent claim 1.

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Because the cited references fail to teach or suggest the subject matter of claims 47 and 55, no prima facie case of obviousness has been established with respect to these claims. Applicant therefore respectfully requests the Examiner to withdraw the rejection of these claims under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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